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EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

*e*PLUS, INC.,	**)**	
	)	
	)	Civil Action No. 3:09-cv-620
Plaintiff,	**)**	
	)	
v.	**)**	
	)	
LAWSON SOFTWARE, INC.	**)**	
	)	
	)	
Defendant.	**)**	

**REPORT OF EXPERT MICHAEL I. SHAMOS, PH.D, J.D.
<u>CONCERNING INVALIDITY</u>**

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third party selling items corresponding to items in said vendor catalog." Furthermore, a "catalog selection protocol" is not an apparatus element at all under either party's construction.

74. Claim 2 and 6 of the '516 Patent depend from claim 1 and are invalid as depending from a non-statutory hybrid claim.

75. Claim 9 of the '516 Patent is invalid under 35 U.S.C. §101 as not reciting statutory subject matter. The claim is not tied to any particular machine or device. A "collection of catalogs stored in an electronic format" reads on a compact disk, which is not a machine or device. The remaining elements are not tied in any way to the "collection of catalogs."

76. Claim 21 of the '516 Patent recites "said searching module being used to generate additional search-module criteria for said data fields of said requisition module." This is an apparatus claim that recites a method step.

77. Claim 21 of the '516 Patent also recites "a multiple purchase order generation module, said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search-module criteria." This is an apparatus claim that recites the method step of "creating multiple purchase orders."

78. Claim 21 of the '516 Patent further recites "said requisition module working in combination with said catalog searching module to determine multiple sources for said item." This is an apparatus claim that recites the method step of "working in combination … to determine multiple sources for said item."

79. Claim 22 of the '516 Patent depends from claim 21 and therefore also an invalid hybrid claim.

80. Claim 29 of the '516 Patent recites "a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party." This is an apparatus claim that recites the method steps of "relying on said first set of predetermined

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'516 claims 1, 2, 6, 9, 21, 22, 29.

'683 claims 3, 6, 28, 29.

272. The following claims, as detailed above and in Exhibits 3 and 4, are invalid as lacking enablement:

'516 claims 1, 2, 6, 9, 21, 22, 29.

273. The following claims, as detailed above and in Exhibits 3 and 4, are invalid as not reciting statutory subject matter, also including hybrid claims:

'516 claims 1, 2, 6, 9, 21, 22, 29.

Executed on May 5, 2010, in Pittsburgh, PA.

Michael Ian Shamos

Michael Ian Shamos, Ph.D., J.D.

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